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# Shall the Door Be Shut?

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"To whom was the pledge of the Balfour Declaration made? This pledge of a home of refuge, of an asylum, was not made to the Jews in Palestine, but to the Jews outside Palestine, to that vast, unhappy mass of scattered, persecuted, wandering Jews whose intense, unchanging, unconquerable desire has been for a National Home . . ."

WINSTON CHURCHILL

### The Palestine Resolution of the Congress of the United States

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, that the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.

*Adopted unanimously by both Houses on June 30, 1922.  
Signed by President Harding on September 21, 1922.*

## SHALL THE DOOR BE SHUT?

THE BRITISH WHITE PAPER of May 17, 1939 will close Palestine to all Jewish immigration in the spring of this year.\* At a time when millions of European Jews have been massacred by the Nazis, the chief and almost the only door to escape will be slammed in the face of those hundreds of thousands who still survive and whom the Nazis have starved, impoverished, uprooted from home and occupation.

The Palestine White Paper followed by a few months the Munich surrender. It reflected the same crisis in world statesmanship and international morality. As in Europe, so in Palestine, principle was sacrificed to expediency. After a period of Axis-fed agitation and terrorism, during which the followers of the Mufti of Jerusalem who is now in Berlin, attacked and murdered not only Jews but large numbers of Arabs who refused to recognize the Mufti's leadership, Britain yielded. The League of Nations Mandate by virtue of which she governs Palestine had made her responsible "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home" and had obligated her specifically to facilitate Jewish immigration. By abandoning these obligations to the Jewish National Home, Britain hoped to secure the support of the Arab world in the great struggle that was clearly about to begin.

That the benefits to be derived from the pursuit of such a policy of "administrative convenience" would be illusory, was pointed out at the time the White Paper was issued by Mr. Winston Churchill in a re-

\* The only immigrants to be admitted will be the holders of some 30,000 immigration certificates remaining from the 75,000 quota allotted by the White Paper for the five-year period ending March 31, 1944; wartime transportation difficulties have made it impossible for these to be used within the time limit set by the White Paper.



markable speech reproduced in this pamphlet. The course of events during the war has made it clear that appeasement failed in the Arab world as it failed elsewhere. In Iraq in 1941 there was a pro-Axis revolt. Egypt moved no finger to aid the Allies in the defense of Egyptian soil, and as long as the German machine was in the ascendant, the Arabs of Palestine and Syria seethed with pro-Axis sentiment.

The policy of the White Paper was laid down nearly five years ago. Today the entire world is in flux, and the future status and organization of the Mediterranean area, as of all central and eastern Europe, is in the balance. It might thus have been assumed that the problem of Palestine, too, would be subject to reconsideration in the light of the new situation. No hint of this has been forthcoming on the part of the British Government. On the contrary, many elements in it are ardent in their insistence that the White Paper, apparently alone of the adjustments of the Chamberlain era, must remain sacrosanct.

The White Paper consistently attempts to reconcile its proposals with the terms of the Mandate for Palestine: its renunciation of the Mandate is made to appear a logical conclusion springing from the terms of the Mandate itself. Actually, the White Paper deliberately ignores what Mr. Churchill describes as Britain's paramount pledge and obligation under the Mandate—the development of the Jewish National Home. The White Paper is not and cannot be the last word on the future of Palestine or of the Jewish people, linked to Palestine by the unbreakable bonds of history, tradition, and international recognition. It remains for the conscience of the democratic peoples, for an enlightened statesmanship in a world which has been through the crucible of a terrible war, fearlessly to face a problem which has challenged mankind through two thousand years of history. The problem is that of the national homelessness of the Jewish people, a minority everywhere with no land which it may call its own and to which it may turn for escape from the recurrent persecution to which it is subject. In a wise and courageous solution of this problem, the White Paper can have no part.

## THE WHITE PAPER: A Summary

The Palestine White Paper of May 1939 is divided into three sections dealing respectively with Constitution, Immigration and Land.

**(1) Constitution:** The White Paper refers to the statement in July 1937 of the Palestine Royal Commission that there is nothing in the Balfour Declaration to prohibit the ultimate establishment of a Jewish state. The White Paper declares unequivocally, however, that it is not part of the policy of His Majesty's Government, that Palestine should become a Jewish state. The obligation of His Majesty's Government is limited to the further development of the existing Jewish community with the assistance of Jews in other parts of the world, in order that it may become a center in which the Jewish people, as a whole, may take, on grounds of religion and race, an interest and a pride. The increase in the Jewish population of Palestine to some 450,000 since 1922, or approaching one third of the entire population of the country, is evidence that His Majesty's Government have been carrying out this obligation. Nor has the Jewish community failed to take advantage of the opportunities given to it. "The growth of the Jewish National Home and its achievements in many fields are a remarkable constructive effort which must command the admiration of the world and must be in particular a source of pride to the Jewish people."

On the other hand, it is the duty of His Majesty's Government to secure the development of self-government and they desire to see established ultimately an independent Palestine state in which Arabs and Jews would share authority in Government in such a way that the essential interests of each are secured. More specifically it is declared that the objective of His Majesty's Government is the establishment within ten years (i. e. from May, 1939) of an independent Palestine state. During the preceding transitional period Palestinians will be given an increasing part in the government of the country and Arab



and Jewish representatives will be invited to serve as heads of departments approximately in proportion to their respective populations. (The proportion envisaged, as appears later in the document, is one third Jews and two thirds Arabs.) Provision is to be made for the security of, and freedom of access to, the Holy Places, and for British strategic needs in the light of circumstances then existing.

His Majesty's Government will do everything in their power to create conditions which will enable the independent Palestine state to come into being within ten years, but if at the end of that period it appears to His Majesty's Government that circumstances require postponement of the establishment of an independent state it will consult with the representatives of the people of Palestine, the Council of the League of Nations and neighboring Arab states before deciding any such postponement. Should His Majesty's Government come to the conclusion that postponement is unavoidable, it will invite the co-operation of those parties in framing plans for the future with a view to achieving the desired objective at the earliest possible date.

**(2) Immigration:** The White Paper restates the principle of the 1922 (Churchill) White Paper that for the fulfillment of the policy of establishing a Jewish National Home "it is necessary that the Jewish population should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals." Until recently the economic absorptive capacity of the country had been treated as the sole limiting factor on Jewish immigration. It is now affirmed, however, that the political position in the country, including such matters as the fear of indefinite Jewish immigration on the part of the Arab population, is a factor which should not be ignored in framing an immigration policy. "The alternatives before His Majesty's Government are either to seek to expand the Jewish National Home indefinitely by immigration against the strongly expressed will of the Arab people of the country, or to permit further expansion of the Jewish National Home by immigration only if the

Arabs are prepared to acquiesce in it." The former policy means rule by force and His Majesty's Government have decided that the time has come to adopt in principle the second of the alternatives offered above. It is accordingly proposed that (1) for the five year period from the beginning of April 1939, 75,000 immigrants shall, subject to the criterion of the economic absorptive capacity, be admitted, (2) after the period of five years no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it.

**(3) Land:** In terms of Article IV of the Mandate the Administration of Palestine is required "while ensuring that the rights and position of other sections of the population are not prejudiced," to encourage "close settlement by Jews on the land." The natural growth of the Arab population and the steady sale in recent years of Arab lands to Jews have led to the conclusion that all transfers of land must be restricted if Arab cultivators are to maintain their standard of living and a considerable landless Arab population is not to be created. It is proposed accordingly to give the High Commissioner general powers to prohibit and regulate transfers of land. (Regulations in pursuance of this provision were issued subsequently; according to these Jews are to be allowed rights of free purchase in only 2.6%—260 square miles—of the total area of Palestine. A total prohibition on transfer of land to Jews was imposed in about two thirds of the country; in the remaining area transfer is permissible only under severe restrictions and subject to the consent of the High Commissioner.)

The White Paper concludes with the statement that "in framing these proposals His Majesty's Government has sincerely endeavoured to act in strict accordance with its obligations under the Mandate to both the Arabs and the Jews."



# THE BREACH OF A SOLEMN OBLIGATION

WINSTON CHURCHILL

A SPEECH IN THE HOUSE OF COMMONS DURING  
THE DEBATE ON THE WHITE PAPER, MAY 22, 1939

I SAY quite frankly that I find this is a melancholy occasion. Like my right honourable Friend, the Member for Sparkbrook<sup>1</sup>, I feel bound to vote against the proposals of His Majesty's Government. As one intimately and responsibly concerned in the earlier stages of our Palestine policy, I could not stand by and see solemn engagements into which Britain has entered before the world set aside for reasons of administrative convenience or—and it will be a vain hope—for the sake of a quiet life. Like my right honourable Friend, I should feel personally embarrassed in the most acute manner if I lent myself, by silence or inaction, to what I must regard as an act of repudiation.

It is often supposed that the Balfour Declaration was an ill-considered, sentimental act largely concerned with the right honourable Member for Carnarvon Boroughs<sup>2</sup> for which the Conservative party had no real responsibility, and that, as the Secretary of State said yesterday, it was a thing done in the tumult of the War. But hardly any step was taken with greater deliberation and responsibility. I was glad to hear the account which my right honourable Friend, the Member for Sparkbrook gave, derived from the days when he was working in the Secretariat of the War Cabinet, of the care and pains with which the whole field was explored at that time. Not only did the War Cabinet of those days take the decision but all Cabinets of every party after the War, after examining it in the varying circumstances which have arisen, have endorsed the decision and taken the fullest responsibility for it.

When I went to the Colonial Office it was in this spirit that I wrote this dispatch, under the authority of the Cabinet, which is quoted so much in the White Paper now before us. Great use is made of this dispatch of

<sup>1</sup> Leopold Amery

<sup>2</sup> David Lloyd George

1922 in the White Paper. It is sought to found the argument of the White Paper largely upon it. I stand by every word in those lengthy quotations which have been made from what I wrote. I would not alter a sentence after the sixteen years that have passed, but I must say I think it rather misleading to quote so extensively from one part of the dispatch without indicating what was its main purpose. The particular paragraph quoted would do little to cool down the ardour of the Zionist and little to reassure the apprehensions of the Arabs. The main purpose of the dispatch was clear. This is what I said in paragraph (1):

"His Majesty's Government have no intention of repudiating the obligations into which they have entered towards the Jewish people."

I then proceeded to say that the Government would refuse to discuss the future of Palestine on any basis other than the basis of the Balfour Declaration. Moreover, the whole tenor of the dispatch was to make it clear that the establishment of self-governing institutions in Palestine was subordinated to the paramount pledge and obligation of establishing a Jewish National Home in Palestine.

Last night the Under-Secretary of State for Foreign Affairs used a surprising argument. He suggested that the obligation to introduce self-governing institutions into Palestine ranked equally with the obligation to establish a Jewish National Home. In this very dispatch of mine, which represented the views of the entire Government of the day, the greatest pains were taken to make it clear that the paramount duty was the establishment of a National Home. It was said on page six:

"The position is that His Majesty's Government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the principal Allied Powers which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies."

Now I come to the gravamen of the case. I regret very much that the pledge of the Balfour Declaration, endorsed as it has been by successive Governments, and the conditions under which we obtained the Mandate, have both been violated by the Government's proposals. There is much in this White Paper which is alien to the spirit of the Balfour Declara-



tion, but I will not trouble about that. I select the one point upon which there is plainly a breach and repudiation of the Balfour Declaration—the provision that Jewish immigration can be stopped in five years' time by the decision of an Arab majority. That is a plain breach of a solemn obligation. I am astonished that my right honourable Friend the Prime Minister, of all others, and at this moment above all others, should have lent himself to this new and sudden default.

### Britain Has No Right to Close the Door of Palestine

To whom was the pledge of the Balfour Declaration made? It was not made to the Jews of Palestine, it was not made to those who were actually living in Palestine. It was made to world Jewry and in particular to the Zionist associations. It was in consequence of and on the basis of this pledge that we received important help in the War, and that after the War we received from the Allied and Associated Powers the Mandate for Palestine. This pledge of a home of refuge, of an asylum, was not made to the Jews in Palestine but to the Jews outside Palestine, to that vast, unhappy mass of scattered, persecuted, wandering Jews whose intense, unchanging, unconquerable desire has been for a National Home. That is the pledge which was given, and that is the pledge which we are now asked to break.

It is said specifically on page ten of the White Paper that Jewish immigration during the next five years will be at a rate which, if the economic absorptive capacity allows, will bring the population up to approximately one-third of the total population of the country. After that the Arab majority, twice as numerous as the Jews, will have control, and all further Jewish immigration will be subject to their acquiescence, which is only another way of saying that it will be on sufferance. What is that but the destruction of the Balfour Declaration? What is it but one-sided denunciation—what is called in the jargon of the present time a unilateral denunciation—of an engagement?

There need be no dispute about this phrase "economic absorptive capacity." It represented the intentions of the Government and their desire to carry out the Palestinian Mandate in an efficient and in a prudent manner. As I am the author of the phrase, perhaps I may be allowed to state that economic absorptive capacity was never intended to rule without regard to any other consideration. It has always rested with the Mandatory Power to vary the influx of the Jews in accordance with

what was best for Palestine and for the sincere fulfillment—one must presuppose the sincere fulfillment—of our purpose in establishing a Jewish National Home there. It was never suggested at any time that the decision about the quota to be admitted should rest with the Jews or should rest with the Arabs. It rested, and could only rest at any time, with the Mandatory Power which was responsible for carrying out the high purpose of the then victorious Allies. The Mandatory Commission of the League of Nations, as was mentioned by the spokesman for the Opposition when he opened the Debate this afternoon, has recognized fully that the Mandatory Power was entitled to control the flow of immigration, or even to suspend it in any emergency. What they are not entitled to do, at least not entitled to do without reproach—grave public and worldwide reproach, and I trust self-reproach as well—is to bring the immigration to an end so far as they are concerned, to wash their hands of it, to close the door. That they have no right whatever to do . . .

I cannot understand why this course has been taken. I search around for the answer. The first question one would ask oneself is foreshadowed in a reference made in the speech of my honourable Friend, and is this: Is our condition so parlous and our state so poor that we must, in our weakness, make this sacrifice of our declared purpose? Although I have been very anxious that we should strengthen our armaments and spread our alliances and so increase the force of our position, I must say that I have not taken such a low view of the strength of the British Empire or of the very many powerful countries who desire to walk in association with us; but if the Government, with their superior knowledge of the deficiencies in our armaments which have arisen during their stewardship, really feel that we are too weak to carry out our obligations and wish to file a petition in moral and physical bankruptcy, that is an argument which, however ignominious, should certainly weigh with the House in these dangerous times. But is it true? I do not believe it is true. I cannot believe that the task to which we set our hand twenty years ago in Palestine is beyond our strength, or that faithful perseverance will not, in the end, bring that task to a glorious success . . .

We must ask ourselves another question, which arises out of this: Can we—and this is the question—strengthen ourselves by repudiation? Shall we relieve ourselves by this repudiation? I should have thought that the plan put forward by the Colonial Secretary in his White Paper, with its arid constitutional ideas and safety catches at every point, and with



vagueness overlaying it and through all of it, combines, so far as one can understand it at present, the disadvantages of all courses without the advantages of any. The triumphant Arabs have rejected it. They are not going to put up with it. The despairing Jews will resist it. What will the world think about it? What will our friends say? What will be the opinion of the United States of America? Shall we not lose more—and this is a question to be considered maturely—in the growing support and sympathy of the United States than we shall gain in local administrative convenience, if gain at all indeed we do? . . .

### Britain's Need is for Fidelity and Firmness

It is hoped to obtain five years of easement in Palestine by this proposal; surely the consequence will be entirely the opposite. A sense of moral weakness in the Mandatory Power, whose many years of vacillation and uncertainty have, as the right honourable gentleman admitted yesterday, largely provoked the evils from which we suffer, will rouse all the violent elements in Palestine to the utmost degree. In order to avoid the reproach, the bitter reproach, of shutting out refugees during this time of brutal persecution, the quota may be raised, as we were told by the Secretary of State, and may be continued at an even higher level in the next five years. Thus, irritation will continue and the incentive to resist will be aggravated. What about these five years? Who shall say where we are going to be five years from now? Europe is more than two-thirds mobilized to-night. The ruinous race of armaments now carries whole populations into the military machine. That cannot possibly continue for five years, nor for four, nor for three years. It may be that it will not continue beyond the present year. Long before those five years are past, either there will be a Britain which knows how to keep its word on the Balfour Declaration and is not afraid to do so, or, believe me, we shall find ourselves relieved of many oversea responsibilities other than those comprised within the Palestine Mandate.

Some of us hold that our safety at this juncture resides in being bold and strong. We urge that the reputation for fidelity of execution, strict execution of public contracts, is a shield and buckler which the British Empire, however it may arm, cannot dispense with and cannot desire to dispense with. Never was the need for fidelity and firmness more urgent than now. You are not going to found and forge the fabric of a grand alliance to resist aggression, except by showing continued examples of

your firmness in carrying out, even under difficulties, and in the teeth of difficulties, the obligations into which you have entered. I warn the Conservative party—and some of my warnings have not, alas, been ill-founded—that by committing themselves to this lamentable act of default, they will cast our country and all that it stands for, one more step downward in its fortunes, which step will later on have to be retrieved, as it will be retrieved, by additional hard exertions. That is why I say that upon the large aspect of this matter the policy which you think is a relief and an easement you will find afterwards you will have to retrieve, in suffering and greater exertions than those we are making.

I end upon the land of Palestine. It is strange indeed that we should turn away from our task in Palestine at the moment when, as the Secretary of State told us yesterday, the local disorders have been largely mastered. It is stranger still that we should turn away when the great experiment and bright dream, the historic dream, has proved its power to succeed. Yesterday the Minister responsible descanted eloquently in glowing passages upon the magnificent work which the Jewish colonists have done. They have made the desert bloom. They have started a score of thriving industries, he said. They have founded a great city on the barren shore. They have harnessed the Jordan and spread its electricity throughout the land. So far from being persecuted, the Arabs have crowded into the country and multiplied till their population has increased more than even all world Jewry could lift up the Jewish population. Now we are asked to decree that all this is to stop and all this is to come to an end. We are now asked to submit—and this is what rankles most with me—to an agitation which is fed with foreign money and ceaselessly inflamed by Nazi and by Fascist propaganda.

It is twenty years ago since my right honourable Friend<sup>1</sup> used these stirring words:

"A great responsibility will rest upon the Zionists, who, before long, will be proceeding, with joy in their hearts, to the ancient seat of their people. Theirs will be the task to build up a new prosperity and a new civilization in old Palestine, so long neglected and mis-ruled."

Well, they have answered his call. They have fulfilled his hopes. How can he find it in his heart to strike them this mortal blow?

<sup>1</sup> Prime Minister Neville Chamberlain.



## THE MANDATE FOR PALESTINE\*

*Adopted by the Council of the League of Nations, July 24, 1922*

WHEREAS the Principal Allied Powers have agreed for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

WHEREAS the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

WHEREAS recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

WHEREAS the Principal Allied Powers have selected his Britannic Majesty as the Mandatory for Palestine; and

WHEREAS the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

WHEREAS His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

WHEREAS by the aforementioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations; Conforming the said Mandate, defines its terms as follows:

### ARTICLE 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this Mandate.

### ARTICLE 3

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the de-

\* The preamble and the most significant portions of the Mandate are here reproduced.

velopment of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

### ARTICLE 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

### ARTICLE 4

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organizations and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with his Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish national home.

### ARTICLE 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under the suitable conditions and shall encourage, in cooperation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

### ARTICLE 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole grounds of his religious belief.

### ARTICLE 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.\*

\* When the White Paper was submitted to the Permanent Mandates Commission of the League, the majority of the Commission's members expressed themselves as feeling unable "to state that the policy of the White Paper was in conformity with the mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the mandate and by the fundamental intentions of its authors."





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